

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JANICE HENNESSEY,

Plaintiff,

V.

AMERICREDIT FINANCIAL SERVICES
INC et al.,

Defendants.

CASE NO. 3:24-cv-05145-DGE

**ORDER DENYING MOTION FOR
LEAVE TO PROCEED IFP (DKT.
NO. 47)**

On June 24, 2024, Plaintiff Janice Hennessey filed a motion for leave to proceed in forma pauperis (“IFP”) on her appeal. (Dkt. No. 47.) The Court DENIES Plaintiff’s motion for two independently sufficient reasons.

First, the affidavit submitted by Plaintiff does not “show[] in the detail prescribed by Form 4 of the Appendix of Forms” Plaintiff’s “inability to pay or to give security for fees and costs.” Fed. R. App. P. 24(a)(1)(A). Rather, Plaintiff submits as her affidavit Form 6 of the United States Court of Appeals for the Federal Circuit. (Dkt. No. 47.) This form does not contain the same level of detail prescribed by Form 4. For instance, Form 6 does not require

“employment history for the past two years” of the movant and movant’s spouse, or each individual’s gross monthly pay over this period of time, which are both required by Form 4. See Fed. R. App. P. Form 4. As such, Plaintiff does not satisfy the affidavit requirement in Rule 24(a)(1)(A). See *United States v. Masuisui*, 2024 WL 1719943, at *1 (D. Haw. April 22, 2024) (denying motion to proceed IFP on appeal when the movant used a form that did not require the level of detail required by Form 4); *Erickson Prods. Ins. v. Kast*, 2015 WL 13390508, at *1 (N.D. Cal. Dec. 18, 2015) (same).

Second, the Court finds Plaintiff's appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3).¹ Plaintiff's claims were dismissed with prejudice because they "rel[ied] on theories that have been rejected uniformly by courts across the country" and it was "absolutely clear" that any amendment to the complaint would be futile. (Dkt. No. 44 at 4) (internal quotation and citation omitted). Plaintiff's motion to proceed IFP simply states that her claims were not "effectively presented & were taken out of context" and the Court should have allowed Plaintiff to amend her complaint rather than "accept[] the Defendant's hearsay as fact." (Dkt. No. 47 at 1.) But Plaintiff does not provide any basis in law or fact to support her appeal.

Plaintiff's motion for leave to proceed IFP (Dkt. No. 47) is DENIED.

Dated this 27th day of June 2024.


Michael J. Saylor

David G. Estudillo
United States District Judge

¹ Section 1915(a)(3) of the Prison Litigation Reform Act, which provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith,” is “applicable to all in forma pauperis appeals, not just those filed by prisoners.” *Robertson v. DLJ Mortgage Capital, Inc.*, 2012 WL 5505501, at *1 (D. Ariz. Nov. 13, 2012).